



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,508	08/29/2003	Joseph Massaro		2202

7590 03/25/2004
Joseph Massaro
359 Forest Lane
Smithtown, NY 11787

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT PAPER NUMBER

3671

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,508

Applicant(s)

MASSARO, JOSEPH

Examiner

Alexandra K Pechhold

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicia, the illumination means, and four horizontal rail members in claim 12, the mounted brackets, the "X" shaped support, and the inside grab rail must be shown or the features canceled from the claims. No new matter should be entered. Also, applicant recites in claim 1 the "L-shaped configuration and the generally curved configuration, but the drawings fail to show both limitations in the same embodiment. Figure 2 shows the 45-degree configuration and the 90 degree configuration, but not together in the same, single portable ramp system as claim 1 recites.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ochs (US 788,424) in view of Lamp'l et al (US 4,517,698), Ricci (US 5,794,292), Quinn et al (US 4,807,317), and Baranowski (US 5,535,470).

Regarding claim 1, Ochs discloses a ramp system which is portable since Ochs notes that it is possible to transport the gangway in a car (pg 1, lines 20-21). The ramp system comprises:

- a start component, seen as the frontmost wedge-like portion in phantom lines in Figs. 1 and 2, which has a top surface and bottom surface, the start surface further comprising at least one closed extended rail member on a first side of the start top surface seen as the portion of the rails in Fig. 1 that extends beyond the standards (9) towards the phantom-lined front wedge; Ochs does fail to disclose this rail member as *closed*; Ricci Jr. teaches a closed handrail (130) shown in Fig. 1; it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the handrail of Ochs to be closed as taught by Ricci Jr., since a closed handrail may provide for easier user accessibility for grasping;
- a plurality of rise components, seen as section (2) having a top and bottom shown in Figs. 1 and 2, though Ochs fails to disclose a *plurality* of such sections; it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the single rise component of Ochs to be a plurality of such sections, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8);
- at least one platform component is shown as section (1) in Figs. 1 and 2, which has a top surface and bottom surface,

- at least one collapsible railing assembly is seen as sides (7, 8) and standards (9), which Ochs notes are hinged to the floor, so that each side may be folded over onto the floor as indicated in Fig. 6 (pg 2, lines 31-34), the railing assembly has horizontal members, vertical members, and a horizontal center rail as the figures show,
- an inside grab rail can be viewed as the inner surface of any of the horizontal railings since they are "inside" of the vertical standards (9),
- Ochs fails to disclose a 90 degree horizontal, straight component to create a generally "L" shaped configuration or a 45 degree straight component to create a generally curved configuration; it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp system of Ochs to have such components to form an L-shaped or curved configuration, since on page 2, Ochs repeatedly discloses the disconnecting and reconnecting of the ramp sections, and this would easily lend itself to directional configurations for improved variation in accommodating user preferences;
- Ochs fails to disclose the surfaces having a non-skid material or textured, coated material thereon; Lamp'l teaches a ramp with a walkway (45) that is preferably covered with a friction surface (Col 2, lines 14-15); it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the start, rise, and platform top surfaces of Ochs to have a non-skid or textured, coated material thereon as taught by Lamp'l, since a friction surface provides increased traction for the person and/or vehicle traveling up or down the ramp;

- Ochs fails to disclose that the ramp system conforms to ADA guidelines with a 1-inch rise in pitch per every 1-foot in length; yet it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp system of Ochs to conform to ADA pitch guidelines, since the ramp would have to conform to the proper guidelines for whatever use it is utilized;
- Ochs fails to disclose the material of the components; Quinn teaches a modular wheelchair ramp comprised of wooden ramp sections (Col 1, lines 32-54); it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material of the components of the ramp system of Ochs to be lumber as taught by Quinn, since wood is readily accessible and commonly used for construction;
- Ochs fails to disclose indicia upon the outer surface; Baranowski teaches a pathway for wheelchair users, wherein the track may be designed with a shape, texture and/or coloration as to be essentially transparent to an ambient decorating scheme (Col 3, lines 44-48); it would have been obvious to one having ordinary skill in the art at the time the invention was made to ramp system of Ochs to include indicia as taught by Baranowski, since adding a decorative element or marking merely is dependent on the desired aesthetic appeal;
- a series of mounted brackets are seen as hasp locks with fixed leaf (30), hinged leaf (32), staple (33), and hook (34), or the hasp (40) with staples (41) and hooks (42) in Fig. 1, which are interlocking in nature; and

- support brackets are seen as support (45) in Figs. 1 and 4 with only part of an "X" shape; it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp system of Ochs to include an additional cross-bar in the support brackets for an "X" shape, since adding another crossbeam to form a general "X" shape (see in Fig. 4) involves duplicating the existing crossbeam, and adding an additional support involves creating another support (45), and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8).

Regarding claim 3, the railing assembly of Ochs has 3 horizontal members as seen in Fig. 1.

Regarding claim 4, Ochs shows 3 horizontal members on the railing assembly, as opposed to 4. Yet it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the railing assembly of Ochs to have 4 horizontal members as opposed to 3, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

3. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochs (US 788,424), Lamp'l et al (US 4,517,698), Ricci (US 5,794,292), Quinn et al (US 4,807,317), and Baranowski (US 5,535,470) as applied to claim 1 above, and further in view of Schaefer (US 4,697,294).** The combination fails to disclose an illumination means. Schaefer teaches a ramp having a reflecting means in the sloping

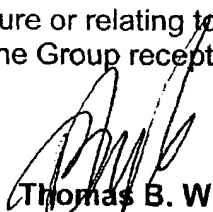
Art Unit: 3671

section of each ramp plate (claims 11 and 19), which allows people to recognize the upcoming angle of the ramp (Col 7, lines 20-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp system of Ochs including its combinations to include an illumination means as taught by Schaefer, since Schaefer states in column 7, lines 20-28 that a reflecting means allows people to recognize the upcoming angle of the ramp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
12/18/03